

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

This document relates to:

KATHLEEN ASHTON, et al,
Plaintiffs,
v.

AL-QAEDA ISLAMIC ARMY, et al.,
Defendants.

MDL No. 1570 (RCC)

NO. 02 CV 6977 (RCC)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that pursuant to Rule 12(b)(2), and on the basis of the affidavit attached hereto, the undersigned will move the Court, before the Honorable Richard C. Casey, U.S.D.J., at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing the Third Amended Consolidated Master Complaint against Rabita Trust for lack of personal jurisdiction.

As detailed in the accompanying Memorandum of Law, the Complaint must be dismissed against Rabita Trust for the following reasons:

- (1) Plaintiffs have failed to plead and there is no evidence to prove that Rabita Trust has the necessary minimum contacts with the United States, such that this Court may exercise personal jurisdiction over Rabita Trust.
- (2) Plaintiffs have failed to plead and there is no evidence to prove that Rabita Trust is the agent for or “mere department” of any entity with the necessary minimum contacts with the United States to trigger personal jurisdiction.

WHEREFORE, Defendant Rabita Trust respectfully requests that the Court grant

its motion to dismiss.

Dated: Washington, DC
March 19, 2004

MARTIN MCMAHON & ASSOCIATES

By: /s/
Martin F. McMahon, Esq., M.M., 4389
Christopher R. Smith, Esq., C.S., 5455
Martin McMahon & Associates
1150 Connecticut Ave., N.W.
Ste. 900
Washington, D.C. 20036
(202) 862-4343

Attorneys for Defendant Rabita Trust